

No. 9/5/84-6 Lab/6583.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Frick India Ltd., 13/3, Mathura Road, Faridabad :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 202 of 1983

between

SHRI BRAHAM SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S FRICK INDIA LTD., 13/3, MATHURA ROAD, FARIDABAD

Present:—

Shri P. N. Dewadi for the workman along with workman.

Shri S. L. Gupta for the respondent-management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/83-83/32021—26, dated 6th July, 1983, under section 10(1)(c) of the Industrial Disputes Act, 1947, for adjudication of the industrial dispute existing between Shri Brahm Singh, workman and the respondent-management of M/s Frick India Ltd., 13/3, Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Brahm Singh was justified and in order ? If not, to what relief is he entitled ?

The workman has stated that he has settled his dispute with the respondent-management and received Rs. 1,000/- in full and final account. He has also no right of reinstatement/re-employment.

In view of the statement of the workman, the dispute has been fully settled and there is no dispute between the parties.

Dated, the 4th September, 1984.

R. N. SINGAL,
Presiding Officer,
Labour Court,
Faridabad.

Endorsement No. 1946, dated the 11th September, 1984.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court,
Faridabad.

No. 9/5/84-6 Lab/6585.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Raj Engineering Gram Udyog Samiti, Shop No. 224, Market No. I, NIT, Faridabad :—

IN THE COURT SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 136 of 1984

between

SHRI SHIV KARAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S. RAJ
ENGINEERING GRAM UDYOG SAMITI, SHOP NO. 224, MARKET NO. I, NIT,
FARIDABAD

Present :—

Workman in person along with.

Shri Ganga Ram Arya. for the workman.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/78-84/25913-18, dated 24th July, 1984, under Section 10(1)(c) of the Industrial Disputes Act, 1947, for adjudication, of the industrial dispute existing between Shri Shiv Karan Singh, workman and the respondent management of M/s. Raj Engineering Gram Udyog Samiti, Shop No. 224, Market No. 1, NIT, Faridabad. The term of the reference was:—

Whether the termination of service of Shri Shiv Karan Singh was justified and in order ?
If not, to what relief is he entitled ?

The management was proceeded *ex parte* as none appeared for them, inspite of service through Shri Ram Babu.

In *ex p te* evidence the workman appeared as WW-1 and stated that he was employed on 10th January, 1983. His services were terminated on 12th March, 1984 because he wanted his balance wages. There is no rebuttal of this evidence. I, therefore, find that the services of the workman were terminated illegally. I, therefore, give the award that the order of termination of services of the workman is illegal and unjustified. He is entitled to reinstatement with continuity of service and full back wages.

R. N. SINGAL,

Dated the 5th September, 1984.

Presiding Officer,
Labour Court,
Faridabad.

Endst. No. 1948, dated 11th September, 1984.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,
Labour Court,
Faridabad.

No. 9/5/84-Lab/6586.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Perfection Turno Engineers, 14/4 Mathura Road, Faridabad :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 205, 206 and 208 of 1984

between

S/SHRI JAG RAM PAL, BHAGWAN SINGH, AND GULAB SINGH, WORKMEN
AND THE RESPONDENT-MANAGEMENT OF M/S PERFACTION TURNO ENGINEERS,
14/4 MATHURA ROAD, FARIDABAD

Present :

None for the Parties.

AWARD

These references No. 205, 206 and 208 of 1984 have been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/27572-77, dated 31st July, 1984, No. 27579-84, dated 31st July, 1984 and 27593-98, dated 31st July, 1984 under Section 10(1)(c) of the Industrial Disputes Act, 1947, for adjudication of the industrial dispute, between S/Shri Jag Ram Pal, Bhagwan Singh, and

Gulab Singh workmen and the respondent-management of M/s. Perfaction Turno Engineers, 14/4, Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Jag Ram Pal, Bhagwan Singh and Gulab Singh was justified and in order ? If not, to what relief are they entitled ?

The workmen have been duly served through union officials on the address given. The management has not been served. The factory is reported to be closed. The workmen have not given any other address. It shows that the workmen are not interested to pursue their references. I, therefore, find that there is no dispute between the parties. The award is given accordingly.

Dated the 5th September, 1984.

R. N. SINGAL,

Presiding Officer,
Labour Court,
Faridabad.

Endorsement No. 1950, dated the 11th September, 1984

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,
Labour Court,
Faridabad.

No. 9/5/84-6Lab/6587.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Endee Woollen and Silk Mills, Ltd., 14/4, Mathura Road, Faridabad :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 197 of 1984

between

SHRI SUDHIR DYAL, BARANWAL, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S ENDEE WOOLEN AND SILK MILLS, LTD., 14/4, MATHURA ROAD, FARIDABAD.

Present:

Workman in person along with Shri M. K. Bhandari.

None for the respondent-management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/79/84/26933-38, dated 30th July, 1984 under Section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute existing between Shri Sudhir Dyal, Baranwal, workman and the respondent-management of M/S. Endee Woollen and Silk Mills, Ltd., 14/4, Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Sudhir Dyal Baranwal, was justified and in order ? If not, to what relief is he entitled ?

According to the claim statement the workman was employed with the respondent management on 21st January, 1982 but he was not allowed his duty on 20th January, 1984. Hence this demand notice was served on the management.

None appeared for the respondent management inspite of service through the Personal Officer of the respondent. Hence the respondent management was proceeded ex parte on 29-8-84. In *ex parte*

evidence the workman has appeared as WW-1 and supported his averments in the claim statement. There is no rebuttal of this evidence. I, therefore, find that the claimant was serving with the management since 21st September, 1982. Hence the services could not be terminated without complying the mandatory provisions of section 25-F of the Industrial Disputes Act, 1947. I, therefore, give the award that the services of the workman is illegally terminated and he is entitled for reinstatement with continuity of service and full back wages.

Dated the 10th September, 1984.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1951, dated the 11th September, 1984

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/6588.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Anand Synthetics (P) Ltd., 14/2, Mathura Road, Faridabad:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 267 of 1982

between

SHRI SURYA NARAIN YADAV, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S. ANAND SYNTHETICS (P) LTD., 14/2, MATHURA ROAD, FARIDABAD

Present :

Workman in person.

None, for the respondent.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/142/82/49845, dated 4th November, 1982 under Section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute existing between Shri Surya Narain Yadav, workman and the respondent-management of M/s. Anand Synthetics P. Ltd., Matdura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Surya Narain Yadav, was justified and in order ?
If not, to what relief is he entitled ?

The respondent was proceeded *ex parte* on 2nd August, 1984 as none appeared for them. Their evidence was also not present. According to the claim statement the workman was employed on 3rd December, 1973 but his services were illegally terminated on 25th August, 1982. The respondent filed the written statement. It is averted that the services of the workman were never terminated by the management. The management is still ready to employ him but he did not respond. The objection is further taken that he was supervisor and the dispute is not covered under the Industrial Disputes Act and hence the reference is bad in law.

The rejoinder was filed and case was contested on the following issues :—

1. Whether the claimant is a workman under Section 2-S of the Industrial Disputes Act ?

2. Whether the claimant has abandoned his services of his own and is not covered under section 2-A of the Industrial Dissutes Act ?
3. Whether the workman is gainfully employed ?
4. As per reference ?

I have gone through the evidence and my findings on the above issues is as under :—

Issue No. 1.—

It is contended that the workman was a supervisor but there is no evidence of the management on this point. The workman has denied that he was a supervisor. Hence this issue is decided against the management.

Issue No. 2.—

There is no evidence that the claimant left the services of the claimant on his own. This issue is therefore, decided against the respondent.

Issue No. 3.—

There is no evidence on this point. The workman has stated that he is not gainfully employed. I, therefore, find this issue against the management.

Issue No. 4.—

The workman was working with the respondent since 3rd December, 1973 and he was not allowed duty with effect from 25th August, 1982. Hence it is presumed that the services of the workman were terminated by the management without complying the provisions of section 25-F of the I. D. Act. I, therefore, give the award that the services of the workman were illegally terminated and that he is entitled to re-instatement with continuity of service and with full back wages.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 11th September, 1984.

Endst. No. 1952, dated the 11th September, 1984

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

The 8th October, 1984

No. 9/5/84-6Lab/6690.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Industrial Ancillaries Private Ltd., C/o Ply Cast, Sector 6, Faridabad.

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 457/83

between

SHRI PHOOL CHAND WORKMAN AND THE MANAGEMENT OF M/S INDUSTRIAL
ANCILLARIES PRIVATE LTD., C/O PLY CAST, SECTOR 6, FARIDABAD

Present :
None.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Phool Chand, workman and the management of M/s Industrial Ancillaries Private Ltd., C/o Ply Cast, Sector 6, Mathura Road, Faridabad, to this Tribunal, for adjudication :—

Whether the termination of service of Shri Phool Chand was justified and in order? If not, to what relief is he entitled?

Notices were issued to both the parties. On the date fixed, none appeared on behalf of the management even they were represented on the last date of hearing and as such *ex parte* proceedings were ordered against the management. The workman had already been proceeded *ex parte*. It appears that both the parties are not interested in the reference. The award is passed accordingly.

Dated 7th September, 1984.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 931, dated 14th September, 1984

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-6Lab/6691.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Paper Mills, 51, N.I.T., Faridabad.

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 377/1983

between

SHRI FAKIRA, WORKMAN AND THE MANAGEMENT OF M/S. HARYANA PAPER
MILLS, 51, N.I.T., FARIDABAD

Present :

Shri G. R. Arya, for the Workman.

Shri K. P. Aggarwal for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Fakira, workman and the management of M/s. Haryana Paper Mills, 51, N.I.T., Faridabad, to this Tribunal, for adjudication :—

Whether the termination of services of Shri Fakira, was justified and in order? If not, to what relief is he entitled?

Notices were issued to both the parties. On the date fixed, Shri K. P. Aggarwal, representative of the management, stated that the dispute between the workman and the management had already been settled and Ex. M-1, the full and final receipt according to which the workman had received

all the amount due to him and that no dispute was now left between the parties. Shri G. R. Arya, representative of the workman, stated that he had heard the above statement made by the representative of the management which was correct and that the dispute between the workman and the management had already been settled as already mentioned above and he had received Rs. 1231.31 paise in full and final settlement of his claim *vide* receipt Ex. M-1. In view of the testimony of Shri K. P. Aggarwal representative of the Management and Shri G. R. Arya, representative of the workman and recitals made in the documents, Ex. M-1 the dispute already stands settled between the parties. The award is passed accordingly.

Dated 7th September, 1984.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 932, dated the 14th September, 1984

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-Lab/6692—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Jainco India, Plot No. 220, Sector-24, Faridabad:—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDAAD

Reference No. 821/1984

between

SHRI RAM VIJAY WORKMAN AND THE MANAGEMENT OF M/S JAINCO
INDIA, PLOT NO. 220, SECTOR-24, FARIDABAD

Present —

Shri H. R. Dua for the management.

None for the workman.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Ram Vijay workman and the management of M/s Jainco India, Plot No. 22 Sector-24 Faridabad, to this Tribunal, for adjudication:—

Whether the termination of service of Shri Ram Vijay was justified and in order ?
If not, to what relief is he entitled ?

Notices were issued to both the parties but none was present on behalf of the workman inspite of service and as such *ex parte* proceedings were ordered against the workman. The management had examined Shri Om Parkash Sharma Partner of the respondent as MW-1 who stated that he had brought the record. He then stated that Shri Ram Vijay claimant was never appointed by them in their factory and that he never remained in their employment. The testimony of Shri Om Parkash Sharma, partner of the respondent firm, shows that the claimant never remained in service of the respondent management and as such he is not entitled to any relief. The award is passed accordingly.

Dated the 6th September, 1984.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 933, dated the 14th September, 1984.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-Lab/6695.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Bengal National Textile Mills Ltd. Silk Mills Div. 14/5 Mathura Road, Faridabad

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 207/1982

between

THE MANAGEMENT OF M/S THE BENGAL NATIONAL TEXTILE MILLS LTD.
(SILK MILLS DIVISION), 14/5 MATHURA ROAD, FARIDABAD
AND ITS WORKMEN

Present.—

Shri R. C. Sharma, for the Management

None, for the Workmen.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the management of M/S The Bengal National Textile Mills Ltd., (Silk Mills Division), 14/5 Mathura Road, Faridabad and its workmen to this tribunal for adjudication:—

Whether the workmen are entitled to the payment of wages for the lockout period commencing from 9th February, 1982 If so, with what details?

Notices were issued to both the parties. On the last date of hearing, none was present on behalf of the workmen even they were represented earlier and as such *ex parte* proceedings were ordered against the workmen. Shri R. C. Sharma, representative of the Management stated that the dispute between the workmen and the Management had already been settled, *vide* settlements Ex. M-1 which was correct and that no dispute was now left between the parties. In view of the testimony of Shri R. C. Sharma, representative of the Management and recitals made in the documents Ex. M-1, the dispute between the parties stands settled. The award is passed accordingly.

Dated the 5th September, 1984.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 936, dated 14th September, 1984.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.